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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,138	02/08/2001	Toshiyuki Nakao	116692000300	1451
25227	7590	04/11/2005	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			STULBERGER, CAS P	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/779,138	NAKAO ET AL.	
	Examiner	Art Unit	
	Cas Stulberger	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 14, 15, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 7-13, 16, 17, 19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 14, 15, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: application, filed 02/08/2001; Response to Restriction filed 01/11/2005.
2. Claims 1-6, 14-15, 18, and 20 are pending in the case. Claims 7-13, 16-17, 19, and 21 are non-elected. Claims 1, 14, 18, and 20 are independent claims.

Election/Restrictions

3. Applicant's election without traverse of Group I consisting of claims 1-5, 6-10, 15-19, and 20, in the reply filed on 01/11/2005 is acknowledged.
4. Claims 7-13, 16-17, 19, and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/11/2005.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 14-15, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No 5,448,760 to Fredrick.
7. In regards to claims 1, 14, 18, and 20, Fredrick discloses that “prior to granting access to a subscriber service or telephone company an authorized user verification device connected to

the access control and switching device verifies the identification code to determine if the wireless subscriber unit is an authorized user with and authorized user list” (Fredrick: column 5, lines 60-66). This meets the limitation of “verification means for verifying operation of the device by a verified user.” Fredrick also discloses “a wireless subscriber unit can be monitored by a usage profiling routine device” (Fredrick: column 16, lines 57-59). “The usage parameter can include the number of times the monitored wireless subscriber unit requests access per day” (Fredrick: column 16, lines 65-67). This meets the limitation of “information acquisition means for acquiring device usage information including a value indicating an amount of usage of the device by the verified user.” Fredrick discloses that “a usage history for each MIN/ESN can be stored in the memory” (Fredrick: column 3-5). This meets the limitation of “information storage means for sequentially storing the device usage information acquired by the information acquisition means.” Fredrick also discloses storing the security pattern history in a storage device (Fredrick: figure 2; column 13, lines 52-57). This meets the limitation of a database.

8. In regards to claim 2, Fredrick discloses “cellular telephones have an identification code including an electronic serial number (ESN) and a mobile identification number (MSN) assigned to each phone” (Fredrick: column 2, lines 9-12). This meets the limitation of “user information storage means for storing user information identifying at least one user permitted to operate the device.” Fredrick also discloses “a method which includes a request for a user personal identification number each time a call is made” (Fredrick: column 2, lines 30-32). This meets the limitation of “user information input means for inputting identification information identifying a user operating the device, and user verification means for verifying a user operating

a device in accordance with identification information input via the user information input means and user information stored in the user information storage means.”

9. In regards to claims 3 and 4, Fredrick discloses “limits or thresholds can be selected by the subscriber service or the owner of a wireless subscriber unit or alternately programmed limits can be used” (Fredrick: column 17, lines 5-8). This meets the limitations of a reference value. “If the user-selected or the programmed limits or thresholds are exceeded, an excess usage signal can be generated by the profiling routine” (Fredrick: column 17, lines 8-10). This meets the limitation of “comparison means for comparing the usage amount record and a reference value and producing a comparison result.”

10. In regards to claim 5, Fredrick discloses a cellular telephone system (Fredrick: Abstract). It is known in the art that cellular telephone systems use batteries that can and need to be replaced. This meets the limitation of “a replacement of the replaceable, expendable component in the device.”

11. In regards to claim 6, Fredrick discloses “the profiling routine can monitor additional usage conditions such as a wireless subscriber units using multiple MINs with the same ESN, or multiple ESNs with the same MIN” (Fredrick: column 17, lines 15-20). This meets the limitation of “acquiring a usage amount record according to the section associated with the user.”

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12. In regards to claim 15, Fredrick discloses sending an authorized user his phone bill which contains usage information (Fredrick: column 16, lines 14-17). This meets the limitations of "processing usage information stored in the database, and sending a message to at least one of a user of the device and an administrator of the device."

Conclusion

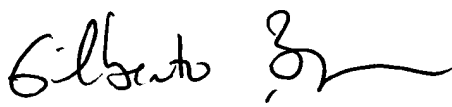
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (571) 272-3810. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 6:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3810. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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